

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

No. 14-MD-2543 (JMF)

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION

*This Document Relates To All Actions*  
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**APPLICATION OF W. DANIEL “DEE” MILES, III FOR  
APPOINTMENT TO PLAINTIFFS’ EXECUTIVE COMMITTEE**

I, Dee Miles and my law firm of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.  
submit this application to be appointed to the Plaintiffs’ Executive Committee in MDL No. 2543.

**KNOWLEDGE AND EXPERIENCE**

Myself and my law firm have extensive experience handling complex litigation, MDL  
mattes, product liability litigation, and class action law suits. In addition to our vast experience  
and knowledge, we have a wealth of available resources that will further the goals of the  
leadership of this important General Motor litigation. I serve as the Section Head of my firm’s  
Consumer Fraud / Class Action / Commercial Litigation section, which includes 10 lawyers and  
37 staff members. I am involved in every single case being pursued in that section of the law  
firm. My entire law firm is made up of 72 lawyers and approximately 372 staff members are all  
available to work on this case as needed. For additional information, please visit the firm’s  
website at [www.beasleyallen.com](http://www.beasleyallen.com). My firm and I have a proven track record of leadership in  
MDL cases throughout this country. We have been selected by Federal Courts as lead counsel or  
co-lead counsel in the four MDL cases.<sup>1</sup>

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<sup>1</sup> 1. In Re Vioxx Products Liability Litigation, United States District Court, Eastern District of Louisiana, the Honorable Judge Fallon, MDL No. 1657; (Andy Birchfield, Shareholder of Beasley Allen); 2. In Re Reciprocal of America (ROA) Sales Practices Litigation, United States District Court, Western District of Tennessee, the Honorable J. Daniel Breen, MDL No. 1551;(Dee Miles and Jere Beasley, both Shareholders in Beasley Allen); 3. In Re American General Life and Accident Insurance Company Industrial Life Insurance Litigation, United States

In addition, we have been appointed and are currently serving on the Plaintiff's Steering Committee in 19 cases, with myself serving on three MDLs,<sup>2</sup> I have also served as lead or co-lead counsel in several class action cases,<sup>3</sup> and served as lead counsel in 8 states in the Average Wholesale Price ("AWP") national litigation concerning fraudulent pricing practices of the pharmaceutical industry with results to-date of settlements and verdicts exceeding \$1.4 billion.<sup>4</sup>

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District Court, District of South Carolina, Judge Cameron McGowan Currie; MDL No. 1429; (Dee Miles, Shareholder of Beasley Allen); and 4. In Re Dollar General Corp. Fair Labor Standard Acts Litigation, MDL 1635, Honorable U.W. Clemon; (Dee Miles, Shareholder of Beasley Allen).

<sup>2</sup> 1. In Re: Zolofit (Sertraline Hydrochloride) Products Liability Litigation, MDL 2342, U.S. District Court for the Eastern District of Pennsylvania, Honorable Cynthia M. Rufe; 2. In Re: Actos Products Liability Litigation, MDL 2299, U.S. District Court for the Western District of Louisiana, Honorable Rebecca F. Doherty; 3. In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation, United States District Court for the Central District of California, Honorable Selna, Case No. 8:10-md-02151-JVS-FMQ; 4. In Re: Motor Fuel Temperature Sales Practices Litigation, United States District Court, Middle District of Kansas, the Honorable Kathryn Vratil, MDL No. 1840; 5. Bextra/Celebrex, Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation; United States District Court Northern District of California; MDL 1699, Judge Charles R. Breyer; 6. In Re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II), MDL No. 2243, U.S. District Court of New Jersey, Honorable Garrett E. Brown, Jr.; 7. In Re: Fosamax Products Liability and ONJ Litigation, MDL No. 1789, U.S. District Court for the Southern District of New York, Honorable John F. Keenan; 8. Hip Replacement Systems, DePuy ASR Hip Replacement, MDL No. 2197, U.S. District Court, Northern District of Ohio, Honorable David A. Katz; 9. DePuy Pinnacle Hip Replacement, MDL 2244, U.S. District Court for the Northern District of Texas, Honorable Ed Kinkeade; 10. In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation, MDL No. 2391, U.S. District Court for the Northern District of Indiana, Honorable Robert L. Miller, Jr.; 11. In Re: C.R. Bard, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2187, U.S. District Court for the Southern District of West Virginia, Honorable Joseph R. Goodwin; 12. In Re: American Medical Systems, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2325, U.S. District Court for the Southern District of West Virginia, Honorable Joseph R. Goodwin; 13. In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation, MDL No. 2326, U.S. District Court for the Southern District of West Virginia, Honorable Joseph R. Goodwin; 14. In Re: Ethicon, Inc., Pelvic Repair System Products Liability Litigation, MDL No. 2327, U.S. District Court for the Southern District of West Virginia, Honorable Joseph R. Goodwin; 15. In Re: Prempro Products Liability Litigation, MDL No. 1507, U.S. District Court, Eastern District of Arkansas, Honorable Billy Roy Wilson; 16. In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010, MDL No. 2179, U.S. District Court for the Eastern District of Louisiana, Honorable Carl L. Barbier; 17. In re: Blue Cross Blue Shield AntiTrust Litigation, MDL No. 2406, U.S. District Court for the Northern District of Alabama, Honorable R. David Proctor; 18. In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation, MDL No. 1:13-md-02428, U.S. District Court for the District of Massachusetts, Honorable Douglas P. Woodlock; and 19. In Re: Target Corporation Customer Data Security Breach Litigation, MDL No. 14-2522, U.S. District Court for the District of Minnesota, Honorable Paul A. Magnuson.

<sup>3</sup> 1. Gooch v. Life Investors Insurance Company of America, et al., United Action No. 1:07-0016, Judge William J. Haynes; 2. Gadson v. American Medical Security Insurance Company, Montgomery County Circuit Court, Judge Johnny Hardwick; and 3. Robertson v. Liberty National Life Insurance Company, filed in the Circuit Court of Barbour County, Alabama, Case No. CV-92-021, Judge William Robertson.

<sup>4</sup> 1. In Re Alabama Medicaid Pharmaceutical Average Wholesale Price Litigation filed in the Circuit Court of Montgomery, Alabama, Master Docket No. CV-2005-219, Judge Charles Price; 2. State of Alaska v. Alpharma Branded Products Division, Inc., et al., filed in the Superior Court for the State of Alaska, Third, Judicial District of Anchorage, Case No. 3AN-06-12026-CL, Judge William F. Morse; 3. State of Hawaii v. Abbott Laboratories, filed in the Circuit Court of the First Circuit, Case No. 06-1-0720-04-EEH, Judge Gary Won Bae Chang; 4. State of Hawaii v. Schering Corporation, filed in the Circuit Court of the First Circuit, Case No. 07-1-1639-09-EEH, Judge Gary Won Baw Chang; 5. In Re Kansas Medicaid Pharmaceutical Average Wholesale Price Litigation, filed in the District Court of Wyandotte County, Kansas, Master Docket No. 08-MV-0668, Division 7, Judge George A. Groneman; 6. In Re Mississippi Medicaid Pharmaceutical Average Wholesale Price Litigation filed in the Chancery

My law firm has obtained some of this country's largest verdicts or settlements many of which I was personally responsible.<sup>5</sup>

### **WILLINGNESS AND ABILITY TO COMMIT**

We are committed to the G.M. Litigation and are willing to commit the time, financial resources and manpower to the fullest extent as we did in the Toyota SUA MDL.

### **WORK SPECIFIC TO GENERAL MOTORS LITIGATION**

In addition to our leadership and success on past cases, the firm has exhibited great leadership in this particular litigation already as we are co-counsel with Lance Cooper in the already remanded Melton case in Cobb County, Georgia, as well as co-counsel on five individual cases and seven class actions with temporary co-lead, Elizabeth Cabraser. We have hired and are funding bankruptcy counsel in conjunction with other firms and are serving in a leadership

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Court of Rankin; County, Mississippi, 20th Chancery Court Division, Cause Nos. 65586-65632, 66312-66314, Judge Thomas L. Zebert; 7. In re: South Carolina Pharmaceutical Pricing Litigation, filed in the Court of Common Pleas for the Fifth Judicial Circuit, Master Case Number: 2006-CP-40-4394, Judge J. Cordell Maddox; 8. The State of Utah v. Apotex Corporation, et al., filed in the Third Judicial District Court of Salt Lake City, Case Number: 080907678, Judge Tyrone E. Medley; 9. The State of Utah v. Abbott Laboratories, et al., filed in Third Judicial District Court of Salt Lake City, Case Number: 07-0915690, Judge Robert Hilder; 10. The State of Utah v. Activis US, Inc., et al., filed in the Third Judicial District Court of Salt Lake City, Case Number: 07-0913719, Kate A. Toomey; and 11. The State of Louisiana v. Abbott Laboratories, et al., filed in the 19th Judicial District Court, Parish of East Baton Rouge, Case Number: C596164, Judge Wilson E. Fields.

<sup>5</sup> 1. Largest verdict against an oil company in American history \$11,903,000,000, in State of Alabama v. Exxon, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-99-2368; 2. Largest environmental settlement in American history, \$750,000,000 in the case of Tolbert v. Monsanto filed in the United States District Court for the Northern District of Alabama, Civil Action No. CV-01-1407-PWG-S, Judge Paul W. Greene; 3. Largest predatory lending verdict in American history; \$581,000,000 in the case of Barbara Carlisle v. Whirlpool filed in the Circuit Court of Hale County, Alabama, Case No. CV-97-068, Judge Marvin Wiggins; 4. Largest average wholesale price litigation verdict; \$215,000,000 in the case of State of Alabama v. AstraZeneca, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-2005-219.10, Judge Charles Price (Dee Miles as Co-Lead Counsel); 5. Second largest average wholesale price litigation verdict, \$114,000,000 in the case of State of Alabama v. GlaxoSmithKline – Novartis, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-2005-219.52, Judge Charles Price (Dee Miles as Co-Lead Counsel); 6. Third largest average wholesale price litigation verdict, \$78,000,000 in the case of State of Alabama v. Sandoz, Inc., filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-2005-219.65, Judge Charles Price (Dee Miles as Co-Lead Counsel); 7. The fourth largest wholesale price litigation verdict, \$38.2 million in the case of the State of Mississippi v. Sandoz, filed in the Chancery Court of Rankin County, Mississippi, Case No. 65622, Chancellor Thomas L. Zebert (Dee Miles as Co-Lead Counsel); 8. Largest consumer pharmaceutical settlement in history involving the drug Vioxx, \$4,850,000,000; 9. To date, Beasley Allen has recovered over \$930 million in settlements for the eight states it represents in the AWP anti-trust litigation and over \$475 million in verdicts.

role in that effort. We have attended and assisted the temporary co-leads with organizational structure and meetings as well as with the United States Congress with congressional hearings.

**ABILITY TO WORK COOPERATIVELY WITH OTHERS**

The personal appointments of myself to leadership positions, as well as that of other members of my firm in Courts all over this country is an endorsement in and of itself that me and my firm have the ability to cooperatively work with others. Neither myself nor my firm has ever experienced any complaints and our record in both serving and bringing resolution to a majority of the cases, where we have served in leadership, is exemplary and a prime example of our ability to work cooperatively with others.

**SUFFICIENT FIRM RESOURCES TO PROSECUTE**

My firm has more than sufficient resources, both financial and in manpower with support personnel to prosecute this litigation in a timely manner. The firm has been involved in many multi-million dollar and even billion dollar complex litigation cases, both MDL and class action cases that required substantial financial resources in multi-million dollar commitments, attorney personnel and support staff. We have a full appreciation for the commitment of resources necessary for this type of important litigation to see it through to its logical resolution, whether by trial or settlement.

**KNOWLEDGE OF APPLICABLE LAW**

I loyally served on the Liaison Committee in the Toyota Sudden Unintended Acceleration MDL and played a key role in that litigation in both the prosecution of those claims as well as one of the architects of the ISP settlement plan currently in place in that litigation. I worked directly with the co-leads in settlement of both the class case and the individual cases. The case

was successful because of the knowledgeable attorneys working together within the confines of the law that is uniquely similar to this G.M. Litigation.

**GEOGRAPHICAL DIVERSITY**

I am from Montgomery, Alabama and will proudly represent the legal talent from the Southern States in this important case.

**UNIQUE QUALIFICATIONS**

I bring a wealth of specific knowledge and experience to this case from my very active role in the Toyota SUV MDL that will be extremely valuable.

In addition, my firm is co-counsel on the Melton case already remanded to Cobb County, Georgia and the information already gained in that case as well as the need for discovery coordination between Melton and this MDL is critical.

**I respectfully request the opportunity to address the Court on August 11, 2014**

**BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.**

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**CERTIFICATE OF SERVICE**

I certify that the above pleading was electronically filed with the Clerk of the Court of the United States District Court for the Southern District of New York and has been sent to all counsel by using the CM/ECF filing system on July 28, 2014.

By: W. Daniel "Dee" Miles, III